

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ImageKeeper LLC,

Plaintiff(s),

vs.

Wright National Flood Insurance Services LLC, *et al.*,

Defendant(s).

2:20-cv-01470-CDS-MDC

Order

The Court sets a settlement conference and orders the parties to submit a confidential settlement conference statement. The purpose of the statement is to assist the undersigned Magistrate Judge in preparing for and conducting the settlement conference. To facilitate a meaningful conference, your utmost candor in responding to all the above-listed questions is required. The settlement statement is confidential and will not be shared with the other side. If this case does not settle, the settlement conference statement will not be disclosed to the judge who ultimately presides over the trial. Each statement will be securely maintained in my chambers and will be destroyed following the conference.

All principal counsel of record who will be participating in the trial and who have full authority to settle this case, all parties appearing pro se, if any, and all individual parties must be present. In the case of non-individual parties, counsel of record shall arrange for an officer or representative with binding authority to settle this matter up to the full amount of the claim or most recent demand to be present for the duration of the conference. If any party is subject to coverage by an insurance carrier, then a representative of the insurance carrier with authority to settle this matter up to the full amount of the claim or most recent demand must also be present for the duration of the settlement conference. This representative must be the adjuster primarily responsible for the claim or an officer with supervisory authority over that adjuster. Third party administrators do not qualify. Counsel of record, individual

1 parties, and a fully authorized representative must attend the settlement conference unless I enter an order
2 granting a request for exception.

3 **PREPARATION FOR SETTLEMENT CONFERENCE**

4 In preparation for the settlement conference, the attorneys for each party shall submit a confidential
5 settlement conference statement for in camera review. **The settlement conference statement shall be no
6 more than ten pages and shall be delivered in searchable Portable Document Format (PDF). Any
7 exhibits in support of the settlement conference statement must also be in searchable PDF.**

8 The settlement conference statement shall contain the following:

9 1. Identify, by name or status the person(s) with decision-making authority, who, in addition to
10 counsel, will attend the settlement conference as representative(s) of the party, and persons connected with
11 a party opponent (including an insurer representative) whose presence might substantially improve the
12 utility of the settlement conference or the prospects of settlement.

13 2. A brief statement of the nature of the action.

14 3. A concise summary of the evidence that supports your theory of the case, including information
15 which documents your damages claims. You may attach to your statement any documents or exhibits
16 which are relevant to key factual or legal issues, including selected pages from deposition transcripts or
17 responses to other discovery requests. Please limit the number of exhibits to what is necessary.

18 4. An analysis of the key issues involved in the litigation.

19 5. A discussion of the strongest points in your case, both legal and factual, and a frank discussion
20 of the weakest points as well. I expect you to present a candid evaluation of the merits of your case.

21 6. A further discussion of the strongest and the weakest points in your opponent's case, but only
22 to the extent that they are more than simply the converse of the weakest and the strongest points in your
23 case.

24 7. The history of settlement discussion, if any, which details the demands and offers which have
25 been made, and the reasons they have been rejected.

1 8. The settlement proposal that you believe would be fair.

2 9. The settlement proposal that you would honestly be willing to make to conclude this matter and
3 stop the expense of litigation.

4 Accordingly,

5 **It is ordered:**

6 1. An in-person settlement conference is scheduled for **9:00AM on July 1, 2024, in the**
7 **chambers of the undersigned judge on the 4th Floor (Suite 4068).**

8 2. That the parties shall email the confidential settlement conference statements to
9 Court_MDC@nvd.uscourts.gov no later than **4:00pm by June 24, 2024. DO NOT SERVE**
10 **A COPY ON OPPOSING COUNSEL. DO NOT DELIVER OR MAIL COPIES TO THE**
11 **CLERK'S OFFICE.**

12 3. A request for an exception to the above attendance requirements must be filed and served
13 within one week of this Order.

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15 IT IS SO ORDERED.

16 Dated this 29th day of March 2024.

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20 Hon. Maximiliano D. Couvillier, III
United States Magistrate Judge
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